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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,036	04/08/2004	I-Chang Tsao	12468-US-PA	3035

31561 7590 10/20/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI, 100  
TAIWAN

EXAMINER
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HEINRICH, SAMUEL M

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/709,036

Applicant(s)

TSAO ET AL.

Examiner

Samuel M. Heinrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,875,950 to Naumov et al in view of US20050059265 to Im in view of USPN 6,146,813 to Girard et al and in view of USPN 6,897,118 to Poon et al. Naumov et al describe (Front Page and Figure 5) instant claimed apparatus components comprising the laser, resistance measurement element, and control system. The control system is connected to the laser, to the stage, and to the probe. Probe features are described by Naumov et al (column 17, lines 18-50) and the probe operation is as a measurement terminal. Im describe excimer laser having a dynamically adjustable energy density.

Girard et al describe (column 15, lines 1-14) operation of the laser combined with the holding tray and "measuring resistance during the process for process feedback." The laser disclosed by Girard et al is an excimer laser. Poon et al describe (Abstract) "selection of the proper laser annealing parameters is optimized by observation of the reduction of sheet resistance and concentration profile as measured on a test site." With respect to claim 1, automatic control of a dynamically adjustable excimer laser would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the components for laser application and control are well known and because the dynamic adjustment inherently requires adjustability in order to have control. With respect to claim 2, Naumov et al describe an XY stage. With respect to claim 3, see the front page Figure of Naumov et al. With respect to claim 4, Naumov et al do not describe an excimer laser, however the assignee (GSI Lumonics Corporation) makes excimer lasers used for trimming. Note that Naumov et al implicitly describe (column 28, lines 23-27) pulse energy is adjustable. Description of an apparatus element as a module does not impart patentability thereto. Note, operation of the Naumov et al apparatus upon amorphous silicon thin film or for comparison with referential values stored in a database are not required for the rejection of apparatus features.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,875,950 to Naumov et al in view of US20050059265 to Im in view of USPN 6,146,813 to Girard et al and in view of USPN 6,897,118 to Poon as applied to claim 1 above, and further in view of USPN 6,216,545 to Taylor. The use of a particular

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measuring module would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the probe and the use thereof for measuring and feedback of electrical characteristics is disclosed by Naumov et al and because Taylor discloses connection of "an electrical resistance measuring module such as a bridge" at an output circuit.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,875,950 to Naumov et al in view of US20050059265 to Im in view of USPN 6,146,813 to Girard et al in view of USPN 6,897,118 to Poon in view of USPN 6,216,545 to Taylor as applied to claim 5 and further in view of USPN 6,927,569 to Worledge et al. Worledge et al disclose the well known multipoint probe and the use thereof would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the probe provides many measurements quickly.

### ***Response to Arguments***

Applicant's arguments filed January 05, 2006 have been fully considered but they are not persuasive.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Samuel M Heinrich  
Primary Examiner  
Art Unit 1725

SMH